



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Niels Gebauer

Serial No.: 09/189,615

Examiner: G. Robinson

Filing Date: November 9, 1998

Group Art Unit: 2177

For: METHOD AND APPARATUS FOR PROVIDING AN AVAILABILITY  
MESSAGE TO A REMOTE USER TERMINAL (Amended)

Docket No.: 33012/246/101

RECEIVED

APR 11 2002

REQUEST FOR CONTINUED EXAMINATION (RCE) Technology Center 2000  
(37 C.F.R. 1.114)

Box RCE

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

04/10/2002 STEFFER 00000034 09103315

01 FC:179  
02 FC:103  
03 FC:102

740.00 03  
35.00 02  
100.00 01

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

- ☐ 37 C.F.R. § 1.8(a) with sufficient postage as first class mail. ☒ 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee" Mailing Label No. EL 154 443 486 US

04/10/2002 STEFFER 00000034 09103315

04 FC:115

110.00 03

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) 308-6306, or (703) 308-6185, or (703) 308-6296.

April 4, 2002  
Date

John L. Rooney  
John L. Rooney

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
  - ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated

**ENCLOSURES**

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. § 1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

**FEE FOR REQUEST (37 C.F.R. § 1.17(e))**

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity)  
\$370.00

☒ Other than a small entity  
\$740.00

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
BASIC FEE				\$370		\$740
TOTAL CLAIMS	22-20 =	2	x9=	\$	x18=	\$ 36
INDEPENDENT CLAIMS	5 -3 =	2	x42=	\$	x84=	\$168
( ) MULTIPLE DEPENDENT CLAIM PRESENTED			+140=	\$	+280=	\$ 0
TOTAL			\$		\$944.00	

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$\_\_\_\_\_.

#### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than small entity	Fee for small entity
<input checked="" type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$390.00	\$195.00
<input type="checkbox"/> three months	\$890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Fee: \$ 110.00

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

- (b) ☐ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$ <u>740.00</u>
Fee(s) for additional claims (if any)	\$ <u>204.00</u>
(§ 1.16(b) - (d))	
Extension of time fee (if any)	\$ <u>110.00</u>
(§ 1.17(a) (1) - (4))	

Total Fee(s) Due \$ 1,054.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 1,054.00
- ☐ Charge Account 14-0620 the sum of \$ \_\_\_\_\_

Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

**INVENTORSHIP**

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.

- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
- ☐ being filed
  - ☐ been filed

**DEFERRAL OF EXAMINATION**

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,

Niels Gebauer

By his attorney

Date April 4, 2002 John L. Rooney  
John L. Rooney  
Reg. No. 28,898  
NAWROCKI, ROONEY & SIVERTSON, P.A.  
Suite 401, Broadway Place East  
3433 Broadway St. N.E.  
Minneapolis, MN 55413  
(612) 331-1464